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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,303	06/28/2004	Toshimasa Sakayori	042471	9869
38834 7590 08/21/2007 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
			EXAMINER TADESSE, YEWEBDAR T	
			ART UNIT 1734	PAPER NUMBER
			MAIL DATE 08/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/500,303

Applicant(s)

SAKAYORI ET AL.

Examiner

Yewebdar T. Tadesse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6, 7 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 is/are allowed.
- 6) ☒ Claim(s) 6 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) The invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claim 6-7 rejected under 35 U.S.C. 102(a) as being anticipated by overJP-2001-182836.

As to claim 6, JP'836 discloses (see Figs 8-11 and Computer Translated English doc.) a material application comprising an application means for applying a material to a surface of a workpiece disposed on a base, and a movement means that makes the application means perform relative displacement along a predetermined movement track on the surface so as to apply the material into a bead configuration, wherein the application means includes a syringe (see Fig 8) and a nozzle (2) being connected to the syringe and having a discharge port formed into a non-circular configuration (see paragraph 15). Furthermore, In JP'836 the discharge port of the nozzle is considered to be parallel (see Figs 8-11) to the surface and is formed into an acute-angled triangle configuration having a base edge portion and a pair of side edge portions constituting two equilaterals longer than the base edge portion (see Fig 11 and paragraphs 11 and 27).

As to claim 7, in JP'836 the nozzle is capable of moving as claimed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 4406762 A1 in view of JP-2001-182836 or Bouras et al (US 5,906,682).

DE discloses a system for applying a seal having application nozzle with a discharge port formed into a non-circular configuration formed into an acute-angled triangle configuration having a base edge portion and a pair of side edge portions constituting two equilaterals longer than the base edge portion (see Fig 2) and the discharge port of the outlet (3) having a flat portion capable of being parallel to the surface. DE' 762, lacks teaching a workpiece disposed on a base and a movement

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means for moving the application means and the application means including a syringe and a nozzle. JP'836 discloses (see Figs 8-11 and Computer Translated English doc) a material application comprising an application means for applying a material to a surface of a workpiece disposed on a base, and a movement means that makes the application means perform relative displacement along a predetermined movement track on the surface so as to apply the material into a bead configuration, wherein the application means includes a syringe (see Fig 8) and a nozzle (2) being connected to the syringe and having a discharge port formed into a non-circular configuration (see paragraph 15). Bouras et al also discloses (see Fig 5) a workpiece disposed on a base and a movement means for moving the application means and the application means including a syringe (20) and a nozzle (22) connected to a syringe. It would have been obvious to one of ordinary skill in the art at the time the invention was made to included a moving application means with syringe connected to a nozzle applying material to a surface of workpiece disposed on a base to apply the desired amount of material onto the desired location of the substrate.

Allowable Subject Matter

6. Claim 11 is allowed.

7. The following is a statement of reasons for the indication of allowable subject matter: see reasons for allowance described in the action dated on 03/23/2007.

Response to Arguments

8. Applicant's arguments filed on 06/07/2007 have been considered but they are not persuasive. Applicants mainly argue that in Fig 8 of JP'836 the discharge port is not parallel to the surface, instead the discharge port includes an opening in a direction angled from the surface. It is true that JP'863 discloses a material application device including a discharge port angled from the surface of the workpiece. However, different orientations of discharge port is taught in JP'836 including an apparatus having discharge ports positioned angled and parallel from/to the surface of the workpiece (see paragraph 28). It is noted that Fig 8 is referred to show the overall device including a workpiece disposed on a base, a syringe, a nozzle being connected to the syringe and a nozzle (needle 2) having a discharge port (notch 3). JP'836 discloses different notching configuration and sectional views beads including the acute angled triangle configuration (see Fig 11). Furthermore, examiner refers applicants to see JP'836 (paragraph 29-30) teaching that the needle moving in parallel direction to the surface.

For at least for the reasons described above examiner maintains the rejections of claims 6-7 in view of JP'863 alone or DE'762 in view of JP'836 and other.

It is noted that the allowed claim 11 appears to have a typographic error. A material application device or apparatus is assumed.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yewebdar T. Tadesse whose telephone number is (571) 272-1238. The examiner can normally be reached on Monday-Friday 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tucker Phillip can be reached on (571) 272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


YTT